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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,575	02/12/2002	Lewis Lee Knox		5964

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OUR PAL ASIJA
ASIJA HOUSE
7 WOONSOCKET AVENUE
SHELTON, CT 06484-5536

EXAMINER	
ALLEN, ANDRE J	
ART UNIT	**PAPER NUMBER**
2855	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/073,575	KNOX ET AL.	
	Examiner	Art Unit	
	Andre J. Allen	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amndts filed*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5-10 is rejected under 35 U.S.C. 102(b) as being anticipated by Hattori.

Regarding claims 1,5-8 Hattori teaches a piston mounted magnet 14 in cylinder mounted on the inside wall of each tire of said transport vehicle (fig. 2)., a permanent magnet 12a-12b mounted perpendicular to said piston mounted magnet and mounted inside each said tire of said transport vehicle (col. 6 lines 58-68), a transducer 1 mounted on each rim of each said tire of said transport vehicle, and an electronics module (fig. 18) mounted in said transport vehicle and connected to each said transducer by at least one electrical conductor (fig. 1).

Regarding claim 2 Hattori teaches a electronics module comprising a micro-Controller 32 and a display 33.

Regarding claims 9 and 10 Hattori teaches mounting at least one magnet 14 of the inside wall of each tire 2 of said transport vehicle', b) mounting a sensor

1 on the rim of each said tire of said transport vehicle, c) transducing 71 the output of said sensor into electrical pulses', d) communicating said pulses to an electronics module through at least one electrical conductor 73., e) computing 32 tire pressure value as a function of said pulses, and displaying 33 said tire pressure value for each said tire and a micro-controller 32 programmed to calculate said tire pressure value as a function of said pulses.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatenable over Hattori.

Regarding claim 3 Hattori teaches the transport vehicle to be a

automobile and the module to be located under the driver seat (col. 11 lines 41-42). Hattori et al does not teach the module to be located in the passenger compartment. However, it would have been obvious one having ordinary skill in the art of tire monitoring devices to modify the device taught by Hattori with a mounting location of the electronics module within the passenger compartment for the purpose of providing a close proximity of the module to the driver which allows for convenient access to the said module for tire monitoring.

Regarding claim 4 Hattori does not teach the vehicle to be an aircraft. However it would have been obvious to one having ordinary skill in the art to modify this device to be compatible with any type of vehicle having at least one tire containing an air pressure, since the functionality of this device is to inform a driver of tire information which would clearly suggest any vehicle readily available to the public.

Response to Arguments

3. Applicant's arguments filed 6-21-04 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only

knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that the applicant's air pressure sensor employs strong magnet op an air piston, plus a flxed reference magnet, and the sensor pick up functionality, whereas Hattori employs bar magnet mounted on piston extension, between two oppositely aligned magnets and employs phase for sensor pick up. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this particular case Hattori clearly teaches a magnet that is on a piston either directly or indirectly and in the proximity of at least one other magnet. Lacking any criticality, it would have been obvious to one having ordinary skill in the art to manipulate the positions of these magnets in the most optimal and effective orientation since the cited art clearly suggest a structural relationship between a piston and a plurality of magnets for the purpose of allowing a user to obtain pressure readings from a tire pressure monitoring device. Secondly, the applicant argues a distinction between the type of transducing methods used. The fact that the applicant and Hattori may have a minimal distinction in the transducer detecting methods, Hattori at least discloses a transducer detecting method and

sensor pick up. Moreover, In response to the applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an intensity of the magnetic field sensor) are not recited in the rejected claim(s), Nor why this feature is any more critical than the transducing and sensor pick up method taught by Hattori. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., high continuous real time dependent of the sampling rate, a broader range continuous over the piston travel, calibrating the distance between the sensor and the center of the tire, noise sensitivity being parallel to the direction of travel) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the references fail to show certain features of applicant's invention for example a "centralized processing unit". Hattori clearly teaches a processing feature. This would suggest a centralized unit since all of the data processed would be processed through this unit.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen whose telephone number is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.J.A
Art Unit 2855

EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800